

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DARNELL GRAHAM]	
Plaintiff,]	
]	
v.]	No. 3:13-0779
]	Judge Trauger
O'SHIKA BOX]	
Defendant.]	

M E M O R A N D U M

The plaintiff, proceeding *pro se*, is an inmate at the Montgomery County Jail in Clarksville, Tennessee. He brings this action pursuant to 42 U.S.C. § 1983 against O'Shika Box, an acquaintance, seeking damages.

In August, 2012, the defendant and a friend came to visit the plaintiff in jail. The defendant convinced the plaintiff that his wife was mismanaging plaintiff's money. To prevent further loss of assets, the plaintiff gave the defendant a power of attorney to manage his financial resources. The plaintiff later learned that the defendant had been using the power of attorney to steal from him.

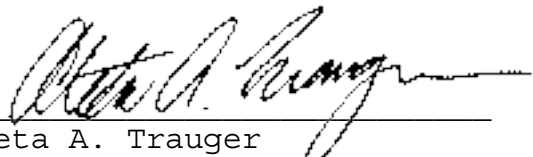
To establish a claim for § 1983 relief, the plaintiff must plead and prove that the defendant, while acting under color of state law, deprived him of a right or privilege guaranteed by the Constitution or laws of the United States. Parratt v. Taylor, 451

U.S. 527, 535 (1981).

There is nothing in the complaint to suggest that the defendant was acting "under color of state law" within the meaning of § 1983 when she was allegedly stealing from the plaintiff. Thus, the plaintiff has failed to state an actionable claim under § 1983.

When a prisoner plaintiff proceeding *pro se* has failed to state a claim upon which relief can be granted, the Court is obliged to dismiss the instant action *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.



Aleta A. Trauger
United States District Judge